

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL JOHN WILCKEN,)
) CASE NO. C13-1408-RSM
Petitioner,)
)
v.)
) ORDER OF DISMISSAL
MARY E. ROBERTS,)
)
Respondent.)
_____)

The Court, having reviewed the 28 U.S.C. § 2241 habeas petition, respondent's motion to dismiss, petitioner's objections and pending motions, the Report and Recommendation of United States Magistrate Judge James P. Donohue, the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Report and Recommendation is ADOPTED;
- (2) This habeas petition is DISMISSED without prejudice based on abstention principles because, regardless of the proper respondent in this action, petitioner's allegations, his responses, and the public record demonstrate that there are no circumstances that justify federal habeas interference with the

01 ongoing criminal proceedings;

02 (3) Petitioner's pending motions are DENIED as moot;

03 (3) Petitioner is DENIED issuance of a certificate of appealability; and

04 (4) The Clerk of Court is directed to send copies of this Order to petitioner and to

05 Magistrate Judge Donohue.

06 DATED this 26 day of February 2014.

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09 RICARDO S. MARTINEZ
10 UNITED STATES DISTRICT JUDGE
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